

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
April 18, 2011  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCIL MEMBER ROXANNE M. BURNS  
COUNCIL MEMBER JOSEPH M. BUTLER JR.  
COUNCIL MEMBER TERESA R. MACALUSO  
MAYOR GRAHAM**

**ABSENT:**           **COUNCIL MEMBER JEFFREY M. SMITH**

**ALSO PRESENT:**   **MARY M. CORRIVEAU, CITY MANAGER  
CITY ATTORNEY ROBERT J. SLYE**

The City Manager presented the following reports to Council:

- 1 -    Approving “The Benefits of Sustainable Community Planning and Design” on April 20, 2011 as Valid Training for Meeting the New York State Municipal Planning and Zoning Officials’ Training Requirement
- 2 -    Approving Contract for Use of Buildings and Grounds, Watertown City School District
- 3 -    Approving Amendment No. 2 to the Agreement for Professional Services With Lu Engineers for the Environmental Investigations on Sewall’s Island
- 4 -    Approving the Special Use Permit Request Submitted by James Kroegeer to allow a Tattoo Shop located at 1317 State Street, Parcel number 5-01-201.000
- 5 -    Funding Request – Watertown Urban Mission
- 6 -    Sales Tax Revenue – Third Quarter Fiscal Year 2010-11
- 7 -    Bed Tax Revenues – Third Quarter Fiscal Year 2010-11
- 8 -    Fiscal Year 2011-2012 Proposed Budget Presentation

**COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of April 4, 2011, was dispensed and accepted as written by motion of Council Member Burns seconded by Council Member Butler and carried with all voting in favor thereof.

**C O M M U N I C A T I O N S**

The following claims against the City were received:

1. From Vincent and Frances Castro, 460 Barben Avenue, for damage to their property when a sewer line backed up into their home.
2. From Dino and Ann Arvan resubmitting for damage to their business window.
3. From Arlene Mart for bills incurred concerning problems with a sewer lateral on Riggs Avenue.

### **ABOVE REFERRED TO THE BOARD OF AUDIT**

Petitions for assessment review were received from Walgreens, Carrols Corporation, Rite Aid and Pepsi Bottling Group.

### **ABOVE PLACED ON FILE**

### **PRIVILEGE OF THE FLOOR**

**Stewart Perkins**, 114 Ward Street, addressed the chair regarding the parking in margins on Thompson Blvd. He explained that in the area between Gotham and Huntington Streets, there have been no accidents or damage for many years as a result of the paved or crushed stone areas on the margins. He advised that today, 3 out of 4 homes have handicapped individuals who need to use wheelchairs. It is much easier for them if the vehicles can park in front of their homes instead of having to park behind where the driveway angle is 30° to 45°. Mr. Perkins also advised that years ago, the City asked these home owners to pave or use crushed stone on those areas because of the muddy conditions that were caused when it rained.

Mayor Graham asked if there had been other complaints about the no parking ordinance in that area.

Mrs. Corriveau advised that she had one other in the beginning of the process. She advised the individual to attend as Council meeting at that time.

Council Member Burns explained that Thompson Blvd. is unique and that the original ordinance was to stop the tearing up of the medians and the obstruction of the sidewalks that has been occurring in other places. This was a quality of life issue as in lots of areas the margin is very narrow and parking on it encroaches on the sidewalks. She stated that she understood Mr. Perkins' concerns.

Mayor Graham remarked that not every thing is always the same. He stated that there is merit in giving an exemption for unique circumstances. He asked that Council receive input from the police and that an ordinance be drafted.

Council Member Butler asked if anyone had been ticketed.

Mr. Perkins explained that the police have been very good and haven't ticketed anyone.

**T.Urling Walker**, Ives Street, addressed the chair on behalf of Tree Watertown. He advised that they had asked for this ordinance because it would keep people from damaging the trees that had been planted. However, they realized that there would be some exceptions and he agreed with Mr. Perkins.

## **RESOLUTIONS**

### **INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

WHEREAS Chapter 662 of the New York State Laws of 2006, which took effect on January 1, 2007, requires all municipal planning and zoning officials to have four hours of training per year, and

WHEREAS the training must be approved by the City Council before it can be used to meet the training requirement, and

WHEREAS the Fort Drum Regional Liaison Organization, Jefferson County Department of Planning, NYS Tug Hill Commission and the Center for Community Studies at Jefferson Community College are co-sponsoring a workshop entitled “The Benefits of Sustainable Community Planning and Design” for local planning officials on April 20, 2011 at Jefferson Community College,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that “The Benefits of Sustainable Community Planning and Design” workshop is approved to provide two hours of training toward meeting the New York State municipal planning and zoning officials’ training requirement.

### **SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

### **INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City of Watertown desires to run a Summer Recreation Program within the City of Watertown, and

WHEREAS the Watertown City School District is willing to authorize the City to use its facilities for said purpose, and

WHEREAS there is no cost associated with the Agreement between the City of Watertown and the Watertown City School District, and

WHEREAS the City deems the providing of a Summer Recreation Program to be a benefit to the citizens of the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City and the Watertown City School District, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the contract on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City Council approved an Agreement for Professional Services for the Environmental Investigation on Sewall's Island with Lu Engineers on February 20, 2007, as amended on June 21, 2010, and

WHEREAS the City of Watertown has been awarded additional funding through its State Assistance Contract for an Environmental Restoration Program Grant to complete interim remedial measures,

NOW THEREFORE BE IT RESOLVED that the City Council approves the second amendment to the Agreement for Professional Services with Lu Engineers to increase the fee to not exceed \$794,595.00, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Amendment on behalf of the City Council.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Macaluso asked if all the money was grant money.

Mr. Mix advised that there was \$49,000 in grant funding. The remainder would have to come out of this year's budget, if it is needed.

Council Member Butler asked if there is an end in sight. He stated that we keep throwing money at this and it isn't cleaned up yet.

Mr. Mix responded that he hopes that this is the end.

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS James Kroeger has made an application for a Special Use Permit to allow a Tattoo Shop at 1317 State Street, Parcel Number 5-01-201.000, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on April 5, 2011, and recommended that the City Council of the City of Watertown approve the request with the following condition:

1. The proposed tattoo shop shall be closed Sunday and Monday, and after 8:00 pm on Tuesday through Saturday.

And,

WHEREAS a public hearing was held on the proposed Special Use Permit on May 2, 2011, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part II and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow a tattoo shop is an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that a Special Use Permit is hereby granted to James Kroeger to allow a Tattoo Shop at 1317 State Street, Parcel Number 5-01-201.000 with the condition listed above in the Planning Board's recommendation.

**SECONDED BY MAYOR JEFFREY E. GRAHAM**

Mayor Graham asked why this requires a Special Use Permit.

Mr. Mix advised that this would fall under "other uses" for Neighborhood Business or Commercial zoning and therefore, would require a Special Use Permit. He also explained that the retail list is outdated, still including such things as hat maker and dressmaker.

Council Member Burns asked if the Planning Board was looking at revisiting the outdated usage and replacing it with things such as tattoo parlors.

Mr. Mix advised that they weren't at this time. However, when the downtown district list is completed, it would be updated.

Mrs. Corriveau recommended that Council could review this when they review the zoning for LWRP.

Mayor Graham asked that Mr. Mix communicate Council's interest in this to the LWRP chair.

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, MAY 2, 2011 AT 7:30 P.M.**

**MOTION WAS SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**CITY COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Funding Request-Watertown Urban Mission**

**Erika Flint**, Executive Director of the Watertown Urban Mission, addressed the chair explaining that the Urban Mission hadn't received funding from the City in the past. She explained that their pantry is the largest in the area and 86% of their customers are from the City.

Mayor Graham remarked that Council receives requests from the CAPC, yet the Urban Mission serves more clients.

Ms. Flint explained that they give a 5 day supply of food as opposed to a 3 day supply from CAPC. In 2010, the pantry helped 18,000 individuals of whom 7,000 were children. She advised that the Mission is a one stop shop for many. The clients participate in several of the programs that are offered. She explained the homeless program, the critical needs program and the wheels to work program. She also advised that they allow the clients to "shop" for their food. In other words, many agencies just give out packages of food. The Mission allows the clients to go through the pantry and make their own selections. This helps to create dignity for the client.

Ms. Flint explained that the wheels to work program is the only one that charges the client. This program provides a vehicle so the client can go back and forth to work. The fee is \$500 paid over the course of a year.

While the Urban Mission does have a store where clothes are sold to the general public, if clients need clothing, it may very well be free. She also advised that the dollar dinners are done through the food pantry and are \$1 for 4 dinners. If clients can't pay, they don't have to. She advised that they are seeing much higher needs and more families are requiring help.

Mayor Graham commented that he thinks people tend to forget that these are community needs. He stated that he didn't mean that we should get into social services. However, we should honor this request in a particular way.

Council Member Butler remarked that the Mission does great work and is a wonderful endeavor. However, his problem is spending taxpayers' money on a charitable, faith-based organization. He asked if the Mission collaborated with CAPC.

Ms. Flint advised that both agencies work together and it isn't a competition.

Council Member Butler asked if the Mission gets food from CAPC.

Ms. Flint explained that food for both agencies come from the Central NY Foodbank, as well as from donations. She stated that while they are a faith-based organization, all people are welcome through their door and lends to the agencies sustainability.

Council Member Butler referred to the annual report and asked about the figures of \$239,000 in one report and the \$270,000 in the other.

Ms. Flint explained that the \$239,000 in actual food numbers. The \$270,000 is plus the administrative costs.

Council Member Butler asked about restricted and non-restricted funds and the agency's balance sheet.

Ms. Flint explained that the agency has a fiscal manager who would know all of those answers.

Council Member Butler asked that the fiscal manager give him a call so he can have these questions answered.

Council Member Burns asked if this was request of \$17,450 was a one time request or anticipated as ongoing.

Ms. Flint explained that they hope it would be a one time request to help the Mission through this summer. The agency's strategic plan is to shy away from government funding in the future.

Council Member Burns remarked that a faith-based group is a positive thing. Many of the churches have food pantries as well. She asked if the Mission works with them also.

Ms. Flint stated that they do.

Council Member Burns remarked that she was willing to support the request.

Council Members Butler and Macaluso stated that they weren't willing to make a commitment at this time, until more questions were answered.

### **Sales Tax Revenue& Bed Tax Revenue--3<sup>rd</sup> Quarter Fiscal Year 2010-11**

Council reviewed these reports.

### **Downtown Tagging**

Mayor Graham remarked that there are a number of tagging incidents downtown and asked if the Police had any idea about who is doing it.

Mrs. Corriveau explained that if it is City owned property, we will take care of it immediately.

Mayor Graham remarked that the Woolworth building has had a number of them for months.

Council Member Butler asked if the owner had been contacted.

Mrs. Corriveau remarked that she didn't know if he had been.

### **Parks and Recreation**

Discussion was held relative to this issue. Lists of questions were prepared by Mayor Graham, Council Member Burns and Council Member Butler. Mrs. Corriveau explained that the things that she and Mr. Mills listed are things that auditors can come in and look at.

Mr. Mills explained that auditors can't establish policy and procedures and then audit us.

Mayor Graham asked about the fact that uncollected bills have a 6 year fuse and if they would have required a written contract.

Attorney Slye stated that it is an implied contract, written or not, and the City can go back for 6 years. He explained that nothing before April 18, 2005 can be collected.

Mayor Graham stated the audit should go back 6 years.

Council Member Butler agreed.

Council Member Burns remarked that we should go back as far as we can, according to statute as there is no reason to waste money out of curiosity.

Mayor Graham asked about the aspects of the Code in regards to payment.

Attorney Slye explained that the terms of the contract dictate when things are billed and paid. He also advised that Council can amend the Code if they wish.

Mayor Graham asked how the field rentals are paid for.

Attorney Slye explained that the Code is silent. However, the contract for the Wizards says that they pay in arrears for the games that they actually play. This is the same language in the Red & Black contract.

Mrs. Corriveau stated that the hockey association pays ½ up front and ½ in January.

Mayor Graham asked about the rental of the arena and if they pay ahead.

Mr. Mills stated that they have been remiss with this as the Code does say to pay ahead. However, the fields are different as the Code is silent.



Mayor Graham suggested clarification of the Code as using small claims court or denying the request isn't what should be done in the future because of non-payment of bill.

Council Member Butler suggested a work session with Council sitting down with a form to decide what questions would be used for the audit. That way there will be clear communications and everyone would know what we are looking for in advance.

Mayor Graham stated that the question is presenting something to a firm to see if they want to do the audit. He asked if the fee would be a quote or billable hours.

Mr. Mills stated that it could be either way.

Council Member Burns commented that we have input from Mrs. Corriveau and Mr. Mills and lists have been received from three members of Council. She stated that there is nothing on the lists that is out of the ordinary and she is not sure that we have the luxury of time to hash out the questions. She stated that she compromised to use Polsen and Podvin as they may not cost as much since they have a relationship with the City. Council Member Burns remarked that she supports moving forward with this. However, she did have some background questions which she would like to have answered.

Council Member Butler commented that he would support using Polsen and Podvin.

Mrs. Corriveau advised that if Council were going to send it out to some other firm, they would need a refined scope of services completed.

Attorney Slye advised that Polsen and Podvin is an independent auditor. RFPs are sent out every 3 years for an auditing firm.

Mayor Graham remarked that the majority of the Council feels that this should be sent to Polsen and Podvin. He stated that this is not an inquisition against individuals. It is a systemic thing.

Council Member Macaluso remarked that many of the concerns can be addressed by staff and asked if the lists shouldn't be condensed.

Council Member Burns commented that some of the questions she should know the answers to, but she doesn't and some can be answered in-house.

Mayor Graham remarked that if you read the media accounts, it says that there is inadequate staffing at times. If so, Council is responsible for that. He commented that we should move this process forward. Council has a budget to decide and can't get mired down in this. He stated that Council Members are just people asking questions based on their backgrounds.

Council concurred.

Mayor Graham asked about a staff update on the situation.

Mr. Mills explained that he, Mr. Hayes, Mrs. Salmons, Ms. Harwood, Mrs. Audett and Mr. St. Croix met and went through the steps and processes in place. Mrs. Salmons is now doing the billing. Paying ahead is being implemented.

Mayor Graham asked if the invoicing down there is plugged into the system in City Hall.

Mrs. Corriveau stated that it is through the KVS system.

Council Member Burns asked who signs the contracts with the Wizards.

Mrs. Corriveau stated that it depends on who the Council authorizes.

Council Member Burns asked who enforces the contract, making sure that both parties are following through with their obligations.

Attorney Slye stated that the CEO of the City would be responsible to make sure the contract terms are met.

Council Member Burns asked what happens to the contract once it is signed.

Mrs. Corriveau advised that copies go to Council, City Attorney, Comptroller, City Clerk and the department that is impacted by it.

Council Member Burns asked who the checks are made out to for the fees charged at the Recreation Department.

Mrs. Corriveau stated that they are supposed to be made out to the City Comptroller.

Mr. Mills stated that some might be made out City Recreation Department.

Council Member Burns asked who bills when DPW does work on property.

Mrs. Corriveau stated that DPW would bill.

Attorney Slye advised that it has to come to Council if they don't pay and it goes to taxes.

Mr. Mills explained that, very rarely, Codes might bill. This would be in a situation like the Moot property or for demolition.

Mrs. Corriveau advised that the Water Department bills invoices for bulk water or for water laterals. She explained that the invoice is from the department, but paid to the City Comptroller.

Council Member Burns remarked that there are various departments within the City doing billing. She also commented that it sounds like Parks & Rec is responsible for billing, but perhaps they didn't receive the money that they billed for.

Mrs. Corriveau and Mr. Mills advised that DPW has a very good collections process and print reports for all. They also send out follow up notices. They also commended Mrs. Salmons for the great job she does with it.

Mrs. Corriveau advised that it is a coordinated responsibility between the department and the Comptroller's office.

Council Member Burns stated that it is fair to say that the Comptroller is aware of the billing and he is aware of the collection work. She stated that based on her questions, she thinks it is important for the audit to cover the contracts and receivables within the entire organization.

Mayor Graham responded that Council had decided to move ahead with Parks & Rec. He stated that he didn't know if he was ready to authorize a broader audit.

Council Member Butler also responded that we don't even know if it is problematic. He remarked that Council Member Burns would be surprised at how much this will cost and stated that to do the entire organization would be getting way ahead of ourselves.

Mayor Graham asked if golf lessons generate an invoice. It was explained that it did. He stated that he is satisfied with the scope of the audit now.

### **JB Wise Parking Lot Meeting**

Mrs. Corriveau reminded Council that there will be a meeting on Wednesday at 6 pm in the Council Chambers concerning this.

### **Assistant to the City Manager**

Mrs. Corriveau advised that Elliot Nelson recently attended a Young Leaders Conference in Portland, Maine.

### **PRESENTATION OF 2011-2012 PROPOSED BUDGET**

Mrs. Corriveau presented the proposed budget for 2011-12. She explained that Council can not look at this year's budget as a stand-alone, but must consider the next five years due to the increase in the NYS retirement system contribution rates. Mrs. Corriveau reviewed the general fund budget appropriations and revenues. The budget proposes a tax rate of \$7.403 per \$1,000 of assessed value, down \$0.074 over the current year's rate. This is a tax rate decrease of 0.99%. The water fund rates will remain the same and the sewer fund will have rates that decrease by

8%. Mrs. Corriveau advised that the increase in the library fund is mainly due to the replacement of the chiller, rehabilitation of the elevator and the roof on the library addition.

Council Member Butler suggested more budget sessions this year, but of a shorter length – under 2 hours.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:09 P.M.  
BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL  
MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Donna M. Dutton*  
City Clerk